

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY 09-50779

Chapter 7

Dennis E. Hecker,

Debtor.

APPLICATION FOR FINAL COMPENSATION

TO: All interested parties.

1. Fuller, Seaver & Swanson, P.A. ("Firm") applies for the relief requested below.
2. This court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding a core proceeding. The petition commencing this Chapter 7 case was filed on or about June 4, 2009. The case is now pending in this court.
3. This application arises under 11 U.S.C. §330, Bankruptcy Rule 2016(b) and Local Rule 2016-1. This application is filed under Bankruptcy Rule 9014 and Local Rule 9013-2. The Applicant requests relief with respect to the allowance of final compensation for attorneys' fees and expenses incurred by the trustee with the Firm from January 1, 2014 to date.
4. Attached hereto as Exhibit A is the Court's order approving the Firm's employment as counsel for the Trustee.
5. There was no retainer fee paid to the Firm and the Firm has made four previous applications for compensation. By order dated December 8, 2010, the Firm received \$196,849.26 in fees and \$8,762.26 in expenses. By order dated June 15, 2011, the Firm received \$129,555.17 in fees and \$1,907.48 in expenses. By order dated December 6, 2012, the Firm received \$3,895 in

fees and \$2,193.85 in expenses. Pursuant to the interim TFR, the Firm also received payment of fees in the amount of \$57,744 and \$589.25 in expenses.

6. The attorneys with time entries on this file, their billing codes, and normal hourly rates are as follows: Randall L. Seaver, \$305 - \$470 per hour; and Matthew D. Swanson, \$180 - \$310 per hour.

7. The total of fees sought by the Firm is \$16,436.50, together with expenses in the amount of \$7.00. A detailed description of the services provided is as follows:

a. Attorney Retention Matter.

After the trustee filed an application to retain counsel, the Court required that the matter be put on for hearing. The Firm prepared the hearing notice, which was filed with the Court. The Firm prepared for and attended a hearing on the application.

Fees in this matter total \$1,067.50. Total expenses are \$7.00. An itemization for those activities is attached hereto as Exhibit B.

b. Settlement Payment Matter.

The trustee was contacted by an attorney regarding a settlement payment received by the estate. The attorney raised purported issues with respect to the payment of those funds to the estate. The Firm communicated with the attorney, and conducted legal research regarding those assertions.

Fees in this matter total \$403.00. Total expenses are \$0.00. An itemization for those activities is attached hereto as Exhibit C.

c. Subpoena Response.

The Firm reviewed documents and prepared documents in response to a subpoena, which was received.

Fees in this matter total \$235.00. Total expenses are \$0.00. An itemization for those activities is attached hereto as Exhibit D.

d. Ring Turnover Matter.

The Firm reviewed an injunction previously entered against Christi Rowan and prepared a turnover motion and order. As a result, the Firm received, from an individual, a ring and other jewelry. Those items were sold at auction for \$411. Although the billed fees were \$822.50, the Firm will reduce its fees in this matter to \$300.00.

Fees in this matter total \$300.00. Total expenses are \$0.00. An itemization for those activities is attached hereto as Exhibit E.

e. Settlement Matter.

When the trustee was in the process of entering into a possible settlement agreement with the debtor, the trustee was advised that the approval of Mr. Hecker's probation officer was necessary. The Firm reviewed documents and positions, and contacted the probation officer regarding this proposed settlement.

Fees in this matter total \$376.00. Total expenses are \$0.00. An itemization for those activities is attached hereto as Exhibit F.

f. Unclaimed Funds Matter.

An action was commenced seeking to recover unclaimed funds, being held under various names, from the State of Minnesota. An action was commenced. A motion to dismiss was filed by attorney Wendy Nora, on behalf of the debtor seeking to dismiss the adversary proceeding. The Firm provided services with respect to that motion. The Firm reviewed and compiled documents necessary to respond to the motion. When the trustee reached the settlement agreement in the case, the debtor objected to that settlement. The Firm provided services in

compiling documents in responding to the motion. The objection was then withdrawn by the debtor's attorney.

Fees in this matter total \$13,702.50. Total expenses are \$0.00. An itemization for those activities is attached hereto as Exhibit G.

g. Fee Application.

The Firm prepared this final fee application. The total of attorneys' fees sought for this matter is \$352.50. An itemization for those activities is attached hereto as Exhibit H.

WHEREFORE, the Firm applies for allowance of final compensation for attorneys' fees in the amount of \$16,436.50, together with expenses in the amount of \$7.00.

FULLER, SEAVER & SWANSON, P.A.

Dated: November 12, 2020

By: /e/ Randall L. Seaver

Randall L. Seaver

15288

12400 Portland Avenue South, Suite 132

Burnsville, MN 55337

(952) 890-0888

VERIFICATION

I, Randall L. Seaver, attorney for the moving party named in the foregoing Application for Final Compensation, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on November 12, 2020

/e/ Randall L. Seaver

Randall L. Seaver

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Chapter 7

Dennis E. Hecker,

Debtor.

ORDER

The trustee's application to approve his employment of Fuller, Seaver & Ramette, P.A. as his attorneys came before the court. Based on the application, the recommendation of the United States Trustee, and pursuant to 11 United States Code §327,

IT IS ORDERED: The employmen is approved.

Dated: October 22, 2009

/e/ Robert J. Kressel

Robert J. Kressel

United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 10/22/2009 Lori Vosejpka, Clerk, By SLS, Deputy Clerk
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EXHIBIT A

INVOICE

INVOICE NUMBER: 340

INVOICE DATE: NOVEMBER 02, 2020

FROM: Fuller, Seaver & Swanson, P.A.
12400 Portland Ave. S.
Suite 132
Burnsville, MN 55337

TO: Hecker, Dennis

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SERVICES					
SEP-07-17	Attorney Retention	File review, travel to hearing and argue motion. Discuss matter with Trustee.	2.60	\$275.00	\$715.00
EXPENSES					
SEP-07-17	Attorney Retention	Parking Expenses for Hearings, etc...			\$7.00
SUMMARY					
Total amount of services					\$715.00
Total amount of expenses					\$7.00
Total hours for this invoice			2.60		
Total amount of this invoice					\$722.00

ACCOUNT INFORMATION

Prior account balance	\$0.00
Invoice 340 NOV-02-2020	\$722.00
Current account balance	\$722.00

AMOUNT DUE: \$722.00

EXHIBIT B

INVOICE

INVOICE NUMBER: 340

INVOICE DATE: NOVEMBER 02, 2020

FROM: Fuller, Seaver & Swanson, P.A.
12400 Portland Ave. S.
Suite 132
Burnsville, MN 55337

TO: Hecker, Dennis

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SERVICES					
AUG-08-17	Attorney Retention (RLS)	Preparation of hearing notice.	0.75	\$470.00	\$352.50
EXPENSES					
No expenses for this billing period.					
SUMMARY					
Total amount of services					\$352.50
Total amount of expenses					\$0.00
Total hours for this invoice			0.75		
Total amount of this invoice					\$352.50

ACCOUNT INFORMATION

Prior account balance	\$0.00
Invoice 340 NOV-02-2020	\$352.50
Current account balance	\$352.50

AMOUNT DUE: \$352.50

INVOICE

INVOICE NUMBER: 340

INVOICE DATE: NOVEMBER 10, 2020

FROM: Fuller, Seaver & Swanson, P.A.
12400 Portland Ave. S.
Suite 132
Burnsville, MN 55337

TO: Hecker, Dennis

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SERVICES					
DEC-19-19	Settlement Payment Matter	Legal research on constructive trust arguments. Review correspondence to D. Beck, discuss with Trustee.	0.70	\$310.00	\$217.00
DEC-28-19	Settlement Payment Matter	Finalize and send response letter to Attorney D. Beck.	0.20	\$310.00	\$62.00
JAN-03-20	Settlement Payment Matter	Email to D. Beck responding to inquiry.	0.10	\$310.00	\$31.00
JAN-07-20	Settlement Payment Matter	Email to client to discuss Doecke claim issues and fact disclosures.	0.20	\$310.00	\$62.00
JAN-15-20	Settlement Payment Matter	Called and left VM for D. Beck. Emails with D. Beck regarding inquiry concerning source of settlement funds.	0.10	\$310.00	\$31.00
EXPENSES					
No expenses for this billing period.					
SUMMARY					
Total amount of services					\$403.00
Total amount of expenses					\$0.00
Total hours for this invoice			1.30		
Total amount of this invoice					\$403.00

ACCOUNT INFORMATION

Prior account balance	\$0.00
Invoice 340 NOV-10-2020	\$403.00
Current account balance	\$403.00

AMOUNT DUE: \$403.00

INVOICE

INVOICE NUMBER: 340

INVOICE DATE: NOVEMBER 10, 2020

FROM: Fuller, Seaver & Swanson, P.A.
12400 Portland Ave. S.
Suite 132
Burnsville, MN 55337

TO: Hecker, Dennis

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
		SERVICES			
DEC-02-19	Subpoena Response (RLS)	Review documents for response to subpoena. Review subpoena and provide documents.	0.50	\$470.00	\$235.00
		EXPENSES			
		No expenses for this billing period.			
		SUMMARY			
		Total amount of services			\$235.00
		Total amount of expenses			\$0.00
		Total hours for this invoice	0.50		
		Total amount of this invoice			\$235.00

ACCOUNT INFORMATION

Prior account balance	\$0.00
Invoice 340 NOV-10-2020	\$235.00
Current account balance	\$235.00

AMOUNT DUE: \$235.00

EXHIBIT D

INVOICE

INVOICE NUMBER: 340

INVOICE DATE: NOVEMBER 02, 2020

FROM: Fuller, Seaver & Swanson, P.A.
12400 Portland Ave. S.
Suite 132
Burnsville, MN 55337

TO: Hecker, Dennis

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SERVICES					
MAR-04-15	Ring Turnover (RLS)	Review injunction against Rowan, and prepare questions for examination, and analyze further procedures.	1.00	\$470.00	\$470.00
MAR-06-15	Ring Turnover (RLS)	Prepare turnover motion and order.	0.75	\$470.00	\$352.50
EXPENSES					
No expenses for this billing period.					
SUMMARY					
Total amount of services					\$822.50
Total amount of expenses					\$0.00
Total hours for this invoice			1.75		
Total amount of this invoice					\$822.50

ACCOUNT INFORMATION

Prior account balance	\$0.00
Invoice 340 NOV-02-2020	\$822.50
Current account balance	\$822.50

AMOUNT DUE: \$822.50

INVOICE

INVOICE NUMBER: 340

INVOICE DATE: NOVEMBER 02, 2020

FROM: Fuller, Seaver & Swanson, P.A.
12400 Portland Ave. S.
Suite 132
Burnsville, MN 55337

TO: Hecker, Dennis

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SERVICES					
NOV-21-18	Settlement Matter (RLS)	Prepare for and have telephone discussion with probation officer re settlement terms and benefit of settlement.	0.30	\$470.00	\$141.00
DEC-07-18	Settlement Matter (RLS)	Strategize re restructuring of settlement.	0.50	\$470.00	\$235.00
EXPENSES					
No expenses for this billing period.					
SUMMARY					
Total amount of services					\$376.00
Total amount of expenses					\$0.00
Total hours for this invoice			0.80		
Total amount of this invoice					\$376.00
ACCOUNT INFORMATION					
Prior account balance					\$0.00
Invoice 340 NOV-02-2020					\$376.00
Current account balance					\$376.00

AMOUNT DUE: \$376.00

INVOICE

INVOICE NUMBER: 340

INVOICE DATE: NOVEMBER 05, 2020

FROM: Fuller, Seaver & Swanson, P.A.
12400 Portland Ave. S.
Suite 132
Burnsville, MN 55337

TO: Hecker, Dennis

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
		SERVICES			
JAN-15-18	Unclaimed Funds Matter	Review default documents.	1.75	\$470.00	\$822.50
MAR-14-18	Unclaimed Funds Matter	Review and revise settlement agreement.	0.75	\$470.00	\$352.50
MAR-18-18	Unclaimed Funds Matter	Receive and review motion to dismiss and related documents (over 600 pages).	1.75	\$470.00	\$822.50
MAR-20-18	Unclaimed Funds Matter	Review communication from attorney Nora, and begin review of documents in response to incorrect statements.	3.50	\$470.00	\$1,645.00
MAR-26-18	Unclaimed Funds Matter	Continue review of documents and summarizing former documents for attorney Burton's response to attorney Nora letter.	1.00	\$470.00	\$470.00
MAR-27-18	Unclaimed Funds Matter	Preparation of response to attorney Nora and revisions. Review docket and filings for response.	2.75	\$470.00	\$1,292.50
MAR-27-18	Unclaimed Funds Matter	Review and revise attorney Burton letter to attorney Nora.	0.50	\$470.00	\$235.00
APR-06-18	Unclaimed Funds Matter	Extensive documentation review of historical documents and filings in the Hecker case, as necessary to respond to motion filed by attorney Nora.	1.00	\$470.00	\$470.00
APR-12-18	Unclaimed Funds Matter	Reviewed Amended Complaint and Motion to dismiss. Strategized response and other legal options to rebut motion. Research on attorney's licensure matter. Discussed with Trustee.	2.20	\$295.00	\$649.00
APR-12-18	Unclaimed Funds Matter	Compile documentation for various filings in the bankruptcy case and adversary proceedings. Analyze the documents in conjunction with the motion to dismiss. Prepare a memorandum re those items.	2.50	\$470.00	\$1,175.00

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
APR-16-18	Unclaimed Funds Matter	Further review of file and strategized response to motion to dismiss and amendment of Complaint.	0.70	\$295.00	\$206.50
MAY-31-18	Unclaimed Funds Matter	Reviewed Debtor's objection to Trustee's notice of settlement. Reviewed Stipulation concerning assigned interests of the Debtor. Strategized response to objection.	1.40	\$295.00	\$413.00
MAY-31-18	Unclaimed Funds Matter	Draft Notice of Hearing on Objection to Trustee's Notice of Settlement. Emailed draft notice to Trustee and co-counsel.	0.50	\$295.00	\$147.50
JUN-05-18	Unclaimed Funds Matter	Review response and schedules and other filings to respond to Hecker allegations.	2.00	\$470.00	\$940.00
JUN-05-18	Unclaimed Funds Matter	Reviewed adversary actions and proof of claims concerning debtor's interest in assets subject to settlement agreement. Discussed matter with Trustee. Strategized.	2.50	\$295.00	\$737.50
JUN-06-18	Unclaimed Funds Matter	Review and revise memorandum. Obtain documents from filings for reference.	2.25	\$470.00	\$1,057.50
JUN-06-18	Unclaimed Funds Matter	Review documents for memorandum revisions. Revise memorandum.	2.50	\$470.00	\$1,175.00
JUN-06-18	Unclaimed Funds Matter	Work on memorandum supporting settlement agreement. Reviewed documents concerning debtor's interest in assets at issue.	2.30	\$295.00	\$678.50
JUN-07-18	Unclaimed Funds Matter	Review suggestion revisions, modified agreement. Strategized further amendments.	0.80	\$295.00	\$236.00
JUN-13-18	Unclaimed Funds Matter	Modifications to memorandum in support of settlement. Updated citations in memorandum. Gave draft memorandum to Trustee for review.	0.60	\$295.00	\$177.00
EXPENSES					
No expenses for this billing period.					
SUMMARY					
Total amount of services					\$13,702.50
Total amount of expenses					\$0.00
Total hours for this invoice			33.25		
Total amount of this invoice					\$13,702.50

ACCOUNT INFORMATION

Prior account balance	\$0.00
Invoice 340 NOV-05-2020	\$13,702.50
Current account balance	\$13,702.50

AMOUNT DUE: \$13,702.50

October 13, 2020	470.00	.25	\$117.50	Draft and dictate fee application
November 3, 2020	470.00	.50	\$235.00	Revisions to fee application
	TOTAL		<u>\$352.50</u>	

EXHIBIT H